

# **EXHIBIT A**



that ReSea Project is deliberately adding non-plastic material to bags of reclaimed plastic in order to increase the weight of those bags and, in turn, the amount charged to ReSea Project customers.<sup>1</sup>

6. Later in the video, Mr. Kelly calls for ReSea Project customers to “reflect” and “look carefully at where they’re getting their [plastic] offsets.”

7. RIO, a ReSea Project competitor, markets its plastic reclamation services as “plastic offsets.” A true and correct copy of a RIO webpage describing RIO’s “plastic offset program,” available at <https://oceansintegrity.com/plastic-offset-programs/>, is attached as **Exhibit A-3** to this Supplemental Declaration. True and correct copies of social media posts (available at <https://fb.watch/au6Ln43FyB/> and [https://www.linkedin.com/posts/rio-brand\\_sustainability-recycling-environment-activity-6833422996393332736-5AK4](https://www.linkedin.com/posts/rio-brand_sustainability-recycling-environment-activity-6833422996393332736-5AK4)) by RIO and Kelly are attached as **Exhibit A-4** to this Supplemental Declaration.

8. On January 24, 2022, Yellow Lids, one of the ReSea Project customers named in RIO and Kelly’s January 21 video, e-mailed ReSea Project stating: “I wanted to inform you we’ve been contacted by Keiron Kelly [sic], who I have no doubt you’re well aware of . . . Yellow Lids was named, along with many others in the following video, so I’d appreciate you helping me to understand your perspective on the matter and how ReSea Project is managing the situation.” A true and correct copy of that e-mail is attached as **Exhibit A-5** to this Supplemental Declaration.

9. Later in the video, Mr. Kelly claims that a bag of reclaimed plastic should weigh 5-7 kilograms “max.” He then claims that some of the bags of ReSea Project-reclaimed plastic weighed as much as forty kilograms because ReSea Project deliberately added non-plastic material to the bags after collection to increase the weight of the bags and, in turn, the amount it charges customers for reclaimed plastic credits.

10. In making that false allegation, Mr. Kelly fails to account for safeguards and monitoring that ReSea Project has in place as part of its DNV-certified process. Indeed, batches of reclaimed plastic are weighed at collection and again upon delivery to the waste bank. Several factors can cause minor variations between the measured weight of reclaimed plastic at collection and at the waste bank—such as the calibration of the scales, environmental conditions, etc. In the rare instances where the weight of a batch of bagged reclaimed plastic varies more than 10% between the measurements at collection and at the waste bank, the plastic credit for that entire batch is voided. In other words, in the rare instances where there is a significant discrepancy in weight between measurements at collection and at the waste bank, ReSea Project customers are *not* charged for that material.

11. Also, in responding to ReSea Project’s Emergency Motion, Mr. Kelly submitted a declaration stating that ReSea Project did not have personnel onsite in Jakarta when he first e-mailed ReSea Project in September 2021, citing communications with ReSea Project personnel.

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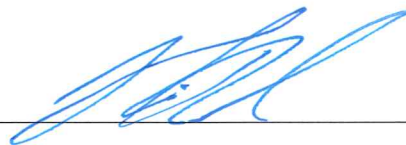
<sup>1</sup> In the video, Mr. Kelly also claims that DNV, the international certification body, “promised to oversee these collections of plastic” by ReSea Project. That is false. DNV has certified ReSea Project’s collection and traceability process, followed by periodic audits for compliance with that process. DNV conducted multiple onsite audits of ReSea Project’s operations in 2021 alone.

*See* Kelly Decl. at ¶ 13. That is false. ReSea Project has had people working full-time onsite in Jakarta from before Mr. Kelly first contacted ReSea Project through the present.

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Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 27, 2022



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Henrik Breck

# **EXHIBIT A-1**

Begin forwarded message:

**From:** "'[kkelly@oceansintegrity.com](mailto:kkelly@oceansintegrity.com)' via [Orders@TheHiddenSea.com.au](mailto:Orders@TheHiddenSea.com.au)"  
<[orders@thehiddensea.com.au](mailto:orders@thehiddensea.com.au)>  
**Subject:** [Orders - THS] Ocean plastic  
**Date:** 5 January 2022 at 7:57:36 pm AEDT  
**To:** [orders@thehiddensea.com.au](mailto:orders@thehiddensea.com.au)  
**Reply-To:** [kkelly@oceansintegrity.com](mailto:kkelly@oceansintegrity.com)

**Name** Kieran Kelly

**Email** [kkelly@oceansintegrity.com](mailto:kkelly@oceansintegrity.com)

**Subject** Ocean plastic

**Message** Good evening, Would it be possible to speak to someone within your company regarding the partnership you have with ReSea. I'm sure you don't realise this so called collections are staged, in several ways.



# **EXHIBIT A-2**



Kieran Kelly commented on this

...



Brian Carraway • 3rd+

Sustainability and Social Business Consultant at Yunus Thailand Foundation - Plas...  
5d •

Greenwashing is a devastating yet pervasive issue in the plastics and environmental world. Large companies and their CSR projects would be wise to properly audit their sustainability efforts, otherwise those on the frontl ...see more



Kieran Kelly • 3rd+

CEO at Ocean Integrity  
6d • Edited •

[+ Follow](#)

We have reported this failed auditing program carried out by the DNV over the last few months. The green washing that has been carried out by Danish plastic company [#packtech](#) the parent company of the ReSea project. ...see more



5

2 comments

# **EXHIBIT A-3**



Plastic Offset Programs

# Logistics Plus is First Corporate Sponsor to Enroll in the RIO Plastic Neutrality Program



The program combines **plastic offset** commitments by companies, with plastic waste removal from our Ocean. The goal is to bring incentives, local awareness and education about the benefits of proper waste resource recovery and management, so that trash does not become an environmental problem.

There's a new kid on the block of sustainability claims being made by businesses: "plastic neutrality." Thanks to the RIO's partners , an emerging and undefined market for **plastic offsets** is just beginning to



For example, a company that uses virgin plastic to produce PET bottles in California could purchase credits for the equivalent amount of plastic to be collected somewhere else in the world. The new term “plastic neutrality” is being used to convey that a company has offset its “plastic footprint.”

Organizations such as rePurpose and The Plastic Bank are selling claims to plastics credits in exchange for a financial investment in initiatives to collect plastic from the environment or establish infrastructure to prevent further plastic leakage into waterways and oceans. In the same way that a company’s carbon credit may offset its U.S. emissions through the carbon mitigation associated with a forest planted in Rwanda or a direct air capture project in Canada, a plastic credit could go to paying waste collectors in Bangalore or expanding a plastic processing facility in Indonesia.

RIO takes this to the next step not alone collect Ocean Plastic like no other, but use the money raised from Plastic Tokens & Recycling Tokens to rebuild these communities that have been devastated by this Plastic Waste.



NEUTRALITY

Presented to



# Logistics Plus, Inc.

for offsetting 19 tonnes of plastic use during January 1, 2020  
through December 31, 2020 with plastic waste recovered by  
Restoring Integrity to the Oceans, Inc.

KIM KING  
Coo & Cofounder of  
Restoring Integrity to the Oceans

APRIL 21, 2021

DATE



Plastic Neutrality was achieved in partnership with RIO by removing plastic waste from bays, beaches, rivers and oceans. Through our collective efforts, we can restore integrity to the oceans for future generations.

CERTIFICATE NO.

00042101



Contact Details

✉ | [info@oceansintegrity.com](mailto:info@oceansintegrity.com)



[G+](#) [f](#) [Twitter](#) [Pinterest](#) [in](#)

# **EXHIBIT A-4**





RIO Ocean Integrity

August 6, 2021 · 🌐

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For your plastic offsets Contact RIO. Join our Team and help save our Ocean #india #africa #indonesia #pennsylvania #unitedstates #oceanplastic #sea #plasticwaste #Jakarta Post U.S. Embassy - Jakarta, Indonesia Logistics Plus Inc. Rico Guerrero Jesse Field Nuri Revani Erie Zoo Erie News Now Erie Insurance Erie County Democratic Committee Erie County Republican Committee Embassy of the United Arab Emirates, India USAID - US Agency for International Development USAID Indonesia USAID Asia



<https://fb.watch/au6Ln43FyB/>

 Oceans Integrity (RIO)  
106 followers  
5mo • 

[+ Follow](#) ...

Contact RIO  
WhatsApp +6281316681688

...see more

 Kieran Kelly • 3rd+  
CEO at Ocean Integrity  
5mo • Edited • 

[+ Follow](#)

Reduce  
Reuse  
Recycle

Let RIO help you reduce your plastic footprint by purchasing recycled plastic pellets. Or through our plastic offset program. Let's come together and help save our Ocean. Reduce your Companies plastic footprint by use RIO's recycled plastic pellets.

[oceansintegrity.com](https://oceansintegrity.com)

[kkelly@oceansintegrity.com](mailto:kkelly@oceansintegrity.com)

#sustainability #recycling #environment #sustainable #ecofriendly  
#circulareconomy #climatechange #recycle #plastic #plasticwaste #plasticfree  
#help #oceanplastics #oceanpollution #sea #gogreen #foodwaste



[https://www.linkedin.com/posts/rio-brand\\_sustainability-recycling-environment-activity-683342299639332736-5AK4](https://www.linkedin.com/posts/rio-brand_sustainability-recycling-environment-activity-683342299639332736-5AK4)

# **EXHIBIT A-5**

**Fra:** Nathan Baines <nathan@yellowlids.com>

**Dato:** mandag, 24. januar 2022 kl. 20.36

**Til:** Christine Tangdal <cta@reseaproject.com>, Serena Lillingston-Price <serena@yellowlids.com>

**Emne:** Kieran Kelly - Oceans Integrity x ReSea Project

Hi Christine,

I wanted to inform you we've been contacted by Keiron Kelly, who I have no doubt you're well aware of, he has shared a wealth of worrying evidence.

I wanted to give you the opportunity to let us know how ReSea are responding to this and if you are planning to comment to your partners/sponsors?

Yellow Lids was named, along with many others in the following video, so I'd appreciate you helping me to understand your perspective on the matter and how ReSea are managing the situation.

[https://www.linkedin.com/posts/kieran-kelly-5b6774a\\_packtech-environmental-training-activity-6890164881379749888-8jzS](https://www.linkedin.com/posts/kieran-kelly-5b6774a_packtech-environmental-training-activity-6890164881379749888-8jzS)

Looking forward to hearing from you,

Nathan